

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TWINCO, INC.,

Plaintiff,

v.

THE UNITED STATES SMALL BUSINESS
ADMINISTRATION; ISABELLA CASILLAS
GUZMAN, in her official capacity as
Administrator of the Small Business
Administration; JANET YELLEN, in her
official capacity as the United States Secretary
of the Treasury; and THE UNITED STATES
OF AMERICA,

Defendants.

Case No. 3:24-cv-05061-BHS

JOINT STATUS REPORT

JOINT STATUS REPORT

COMES NOW the parties, through their respective counsel and pursuant to this Court's Order Regarding Initial Disclosures, Joint Status Report, Discovery, Depositions, and Early Settlement (Dkt. 6), and submit the following Joint Status Report. The parties have conferred regarding the issues identified in the Court's Order and advise the Court as follows:

//

1 WHEREAS Plaintiff filed this action seeking review of Defendants' actions in adjudicating
2 Plaintiff's application for forgiveness of a Paycheck Protection Program loan it obtained pursuant
3 to the Coronavirus Aid, Relief and Economic Security Act. Dkt. 1.

4 WHEREAS Plaintiff's action against Defendants is brought pursuant to the Administrative
5 Procedures Act, 5 U.S.C. §§ 702, 706, and the Court's power under the Declaratory Judgment Act.
6 *Id.* at pgs. 13-14.

7 WHEREAS Plaintiff's case, as presently filed, is "an action for review on an administrative
8 record," falling under a category of cases in Federal Rule of Civil Procedure 26(a)(1)(B)(i) that
9 are exempt from the requirements set forth in FRCP 26(a) and (f) pertaining to the "lay down" of
10 discovery, the participation of the parties in a discovery conference, and the presentation of a joint
11 discovery plan. Fed. R. Civ. P. 26(a)(1)(B)(i).

12 WHEREAS Plaintiff asserts that although its case is primarily an "action for review on an
13 administrative record," it is entitled to discovery, and that discovery may be necessary for judicial
14 review, pertaining to Plaintiff's Declaratory Judgment Act claim seeking to invalidate an agency
15 rule.

16 WHEREAS the parties have met and conferred and are currently exploring administrative
17 remedies that may resolve Plaintiff's claims and render the issues in this lawsuit moot.

18 WHEREAS the parties agree that this case should be stayed for three months, until
19 August 1, 2024, to allow the parties sufficient time to explore potential resolution.

20 NOW THEREFORE, the parties, through their respective counsel of record, do hereby
21 stipulate and agree that the Court may make and enter the following order:

22 1. This case is stayed until August 1, 2024.

23 2. The parties shall file a Joint Status Report on or before August 1, 2024 informing the Court
24 of the status of the claims in this lawsuit.

1 SO STIPULATED.

2 DATED this 29th day of May, 2024.

3 GORDON THOMAS HONEYWELL LLP

4 s/ Ryan C. Espegard

5 RYAN C. ESPEGARD, WSBA No. 41805

1201 Pacific Avenue, Suite 2100

6 Tacoma, WA 98402

Telephone No. (206) 676-7548

7 Email: respegard@gth-law.com

Attorney for Plaintiff

8
9 SO STIPULATED.

10 DATED this 29th day of May, 2024.

11 TESSA M. GORMAN

United States Attorney

12
13 Kristin B. Johnson

KRISTIN B. JOHNSON, WSBA No. 28189

14 Assistant United States Attorney

700 Stewart Street, Suite 5220

15 Seattle, WA 98101-1271

Telephone No. (206) 553-7970

16 E-mail: kristin.b.johnson@usdoj.gov

Attorney for Defendants

ORDER

IT IS SO ORDERED.

Dated this _____ day of _____, 2024.

BENJAMIN H. SETTLE
UNITED STATES DISTRICT JUDGE